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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,399	02/18/2004	Miska Hannuksela	915-005.066-1	4342
4955 7590 06/28/2007 WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP BRADFORD GREEN, BUILDING 5 755 MAIN STREET, P O BOX 224 MONROE, CT 06468			EXAMINER ANYIKIRE, CHIKAODILI E	
			ART UNIT 2621	PAPER NUMBER
			MAIL DATE 06/28/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/782,399	Applicant(s) HANNUKSELA, MISKA	
	Examiner Chikaodili E. Anyikire	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>20040809</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This application is responsive to application number (10782399) filed on February 18, 2004. Claims 1-18 are pending and have been examined.

Information Disclosure Statement

2. Acknowledgement is made of applicant's information disclosure statement.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic error.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

The USPTO "Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility" (Official Gazette notice of 22 November 2005), Annex IV, reads as follows:

Claims that recite nothing but the physical characteristics of a form of energy, such as a frequency, voltage, or the strength of a magnetic field; define energy or magnetism, per se, and as such are nonstatutory natural phenomena. O'Reilly, 56 U.S. (15 How.) at 112-14. Moreover, it does not appear

Art Unit: 2621

that a claim reciting a signal encoded with functional descriptive material falls within any of the categories of patentable subject matter set forth in Sec. 101.

... a signal does not fall within one of the four statutory classes of Sec. 101.

... signal claims are ineligible for patent protection because they do not fall within any of the four statutory classes of Sec. 101.

Claims 13 and 14 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. An acceptable form of the preamble of claim 13 reads, "A computer readable medium encoded with computer executable instruction for buffering encoded pictures, said set of computer executable instructions perform:". Claim 14 defines a signal with descriptive material. While "functional descriptive" may be claimed as a statutory product (i.e., "manufacture") when embodied on a tangible computer readable medium, a signal embodying that same functional descriptive material is neither a process nor a product (i.e., a tangible "thing") and therefore does not fall within one of the four statutory classes of § 101. Rather, "signal" is form energy, in the absence of any physical structure or tangible material.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 4-6, and 9-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Harumoto et al (US 2002/0004840).

Art Unit: 2621

As per claim 1, as best understood by the Examiner, Harumoto et al disclose a method for buffering multimedia information, wherein a parameter is defined indicative of the maximum amount of transmission units ([0132]) comprising multimedia data that precede any transmission unit comprising multimedia data in a packet stream in transmission unit transmission order (Fig 2, 402, [0119] Ln 1-5) and follow the transmission unit comprising multimedia data in decoding order (Fig 3, 509, [0122]).

Regarding claim 4, arguments analogous to those presented for claim 1 are applicable to claim 4.

As per claim 4, Harumoto et al disclose a method for decoding encoded picture stream in a decoder, in which the encoded picture stream is received as transmission units comprising multimedia data (Fig 3, 508), buffering of transmission units is performed (Fig 3, 505 and 508, [0121] Ln 5-6 and [0122] Ln 2-3).

Regarding claim 5, arguments analogous to those presented for claim 1 are applicable to claim 5.

As per claim 5, Harumoto et al further disclose a system comprising an encoder for encoding pictures (Fig 2, [0117] Ln 8-11).

As per claim 6, Harumoto et al disclose the system according to claim 5, wherein it comprises a decoder for decoding encoded pictures (Fig 3, 509, [0122] Ln 1-6), and a memory for buffering decoded pictures (Fig 3, 511, [0122] Ln 2-7), wherein said

Art Unit: 2621

parameter is arranged to be used for determining required amount of memory places to be reserved from the memory for buffering decoded pictures ([0132]).

Regarding claim 9, arguments analogous to those presented for claim 1 are applicable to claim 9.

As per claim 9, Harumoto et al further disclose a transmitting device (Fig 2, 402, [0119]).

Regarding claim 10, further arguments analogous to those presented for claims 1 and 2 are applicable to claim 10.

As per claim 10, Harumoto et al disclose a receiving device (Fig 3, 507) for receiving encoded picture stream as transmission units ([0121] Ln 5-10).

As per claim 11, Harumoto et al disclose the receiving device (Fig 3, 507) according to claim 10, wherein it comprises a memory, and a definer for examining said parameter and for reserving memory places for buffering from said memory according to said parameter ([0121]-[0123] and [0132]).

As per claim 12, Harumoto et al disclose the receiving device (Fig 3, 507) according to claim 11, wherein it comprises a decoder (Fig 3, 509) for decoding pictures from the received encoded picture stream ([0122] Ln 2-5), and means for using the reserved memory places for buffering the encoded pictures ([0122]).

Regarding claim 13, arguments analogous to those presented for claim 1 are applicable to claim 13.

Art Unit: 2621

As per claim 13, Harumoto et al further disclose a computer program product comprising machine executable steps for buffering encoded pictures ([0123]).

Regarding claim 14, arguments analogous to those presented for claim 1 are applicable to claim 14.

Regarding claim 15, arguments analogous to those presented for claims 1 and 10 are applicable to claim 15.

As per claim 16, Harumoto et al disclose a method, comprising the steps of: decoding multimedia data in transmission units in a stream received over a transmission channel ([0122]), and buffering said multimedia data according to a parameter indicative of a maximum amount of transmission units that precede and follow any transmission unit ([0132]).

Regarding claim 17, arguments analogous to those presented for claim 1 are applicable to claim 17.

Regarding claim 18, arguments analogous to those presented for claim 16 are applicable to claim 18.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 2621

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. Claims 2-3 and 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harumoto et al (US 2002/0004840) in view of Viscito et al (US 2004/0005007).

As per claim 2, Harumoto et al disclose the method according to claim 1.

However, Harumoto et al does not explicitly disclose wherein said multimedia data comprises a slice of an encoded picture.

In the same field of endeavor, Viscito et al discloses wherein said multimedia data comprises a slice of an encoded (Fig 2A, [0034]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Harumoto et al in accordance with the teachings of Viscito et al because it will perform buffering of the multimedia information in compliance with a methodology that is conventionally implemented in multimedia transmission and receiving.

As per claim 3, Harumoto et al disclose the method according to claim 1.

However, Harumoto et al does not explicitly disclose wherein said transmission unit comprising multimedia data is a VCL NAL unit.

In the same field of endeavor, Viscito et al discloses wherein said transmission unit comprising multimedia data is a VCL NAL unit (Fig 2B, [0034]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Harumoto et al in accordance with the teachings of Viscito et al because it will perform buffering of the multimedia information in compliance with a methodology that is conventionally implemented in multimedia transmission and receiving.

Regarding claim 7, arguments analogous to those presented for claim 2 are applicable to claim 7.

Regarding claim 8, arguments analogous to those presented for claim 3 are applicable to claim 8.

Other Prior Art Cited

11. The following prior art was cited because it is relevant to the application currently pending.

Auld (US 5, 398, 072) discloses a management channel buffer system that comprises a parameter for detecting the maximum amount of transmission units, a decoder, and other relevant material.

Conclusion

Art Unit: 2621

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chikaodili E. Anyikire whose telephone number is (571) 270-1445. The examiner can normally be reached on Monday to Friday, 7:30 am to 5 pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571) 272 - 7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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